

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3464

To provide comprehensive measures against arson.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1993

Mr. DREIER introduced the following bill; which was referred jointly to the  
Committees on the Judiciary and Agriculture

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## A BILL

To provide comprehensive measures against arson.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Comprehensive Arson  
5       Deterrence and Fire Containment Act of 1993”.

6       **SEC. 2. MODULAR AIRBORNE FIRE FIGHTING SYSTEM.**

7       There are authorized to be appropriated \$15,000,000  
8       for the modernization or replacement of the Modular Air-  
9       borne Fire Fighting System used by the United States  
10      Forest Service.

1 **SEC. 3. IMPROVEMENT OF FIRE FIGHTING RESPONSE TIME.**

2       The Forest Service in the Department of Agriculture,  
3 in consultation with local fire chiefs, and other fire and  
4 arson experts, shall prepare of study of additional means  
5 of improving airborne fire fighting response time, includ-  
6 ing whether there are any legal impediments that (such  
7 as private contracting requirements) which materially  
8 delay fire fighting response reaction time. The Forest  
9 Service shall report the results of such study to Congress  
10 not later than one year after the date of the enactment  
11 of this Act.

12 **SEC. 4. INCREASED CRIMINAL PENALTIES FOR ARSONISTS.**

13       (a) MALICIOUS USE OF FIRE OR EXPLOSIVE.—

14               (1) FEDERAL PROPERTY.—Subsection (f) of  
15 section 844 of title 18, United States Code, is  
16 amended—

17                       (A) by inserting “(1)” after “(f)”; and

18                       (B) by striking “shall be imprisoned for  
19 not more than ten years” and all that follows  
20 through the end of the subsection and inserting  
21 the following:

22 “shall, except as provided in paragraph (2) of this sub-  
23 section, be fined under this title or imprisoned not more  
24 than 10 years, or both.

1       “(2) If a circumstance exists that is listed below, the  
2 punishment for an offense under this subsection shall be  
3 as follows:

4           “(A) If the damage caused by the offense ex-  
5 ceeds \$1,000,000, the offender shall be subject to a  
6 fine under this title and imprisoned for not less than  
7 5 nor more than 20 years.

8           “(B) If the life of any person (other than the  
9 offender) is placed in jeopardy as a result of the of-  
10 fense, or the damage caused by the offense exceeds  
11 \$10,000,000, the offender shall be subject to a fine  
12 under this title and imprisoned for not less than 8  
13 nor more than 30 years.

14           “(C) If personal injury results to any person  
15 (other than the offender) or the damage caused by  
16 the offense exceeds \$25,000,000, the offender shall  
17 be subject to a fine under this title and imprisoned  
18 for not less than 10 nor more than 40 years.

19           “(D) If the death of any person results the of-  
20 fender shall—

21               “(i) be subject to a fine under this title  
22 and imprisoned for any term of years greater  
23 than 25 (or imprisonment for life); and

24               “(ii) also be subject to the death penalty as  
25 provided in section 34 of this title.”.

1           (2) INTERSTATE COMMERCE.—Subsection (i) of  
2       section 844 of title 18, United States Code, is  
3       amended—

4                   (A) by inserting “(1)” after “(i)”; and

5                   (B) by striking “shall be imprisoned for  
6       not more than ten years” and all that follows  
7       through the end of the subsection and inserting  
8       the following:

9       “shall, except as provided in paragraph (2) of this sub-  
10      section, be fined under this title or imprisoned not more  
11      than 10 years, or both.

12      “(2) If a circumstance exists that is listed below, the  
13      punishment for an offense under this subsection shall be  
14      as follows:

15           “(A) If the damage caused by the offense ex-  
16      ceeds \$1,000,000, the offender shall be subject to a  
17      fine under this title and imprisoned for not less than  
18      5 nor more than 20 years.

19           “(B) If the life of any person (other than the  
20      offender) is placed in jeopardy as a result of the of-  
21      fense, or the damage caused by the offense exceeds  
22      \$10,000,000, the offender shall be subject to a fine  
23      under this title and imprisoned for not less than 8  
24      nor more than 30 years.

1           “(C) If personal injury results to any person  
2           (other than the offender) or the damage caused by  
3           the offense exceeds \$25,000,000, the offender shall  
4           be subject to a fine under this title and imprisoned  
5           for not less than 10 nor more than 40 years.

6           “(D) If the death of any person results the of-  
7           fender shall—

8                   “(i) be subject to a fine under this title  
9                   and imprisoned for any term of years greater  
10                  than 25 (or imprisonment for life); and

11                  “(ii) also be subject to the death penalty as  
12                  provided in section 34 of this title.”.

13           (b) RECKLESS OR NEGLIGENT USE OF FIRE OR EX-  
14   PLOSIVE.—Section 844 of title 18, United States Code,  
15   is amended by adding at the end the following:

16           “(k)(1) Whoever recklessly engages in conduct that  
17   would be prohibited by subsection (f) or (i) of this section  
18   if such conduct were engaged in maliciously, and as a re-  
19   sult a dwelling (other than that of the offender) is de-  
20   stroyed or a person (other than the offender) is injured,  
21   shall be fined under this title or imprisoned not more than  
22   one year, or both. If the court does not sentence a person  
23   convicted under this section to imprisonment, the court  
24   shall as a minimum sentence such person to probation  
25   with a condition that such person perform not less than

1 400 nor more than 2000 hours of community service. In  
2 any juvenile proceeding, a juvenile who has been adju-  
3 dicated a juvenile delinquent for conduct which if commit-  
4 ted by an adult would be a violation of this subsection  
5 shall be required to spend at least one week in an residen-  
6 tial institution for the confinement of juvenile delinquents  
7 and to perform not less than 400 nor more than 2000  
8 hours of community service.

9 “(2) Whoever negligently engages in conduct that  
10 would be prohibited by subsection (f) or (i) of this section  
11 if such conduct were engaged in maliciously shall be fined  
12 under this title or imprisoned not more than one month,  
13 or both. If the court does not sentence a person convicted  
14 under this section to imprisonment, the court shall as a  
15 minimum sentence such person to probation with a condi-  
16 tion that such person perform not less than 100 nor more  
17 than 1000 hours of community service. In any juvenile  
18 proceeding, a juvenile who has been adjudicated a juvenile  
19 delinquent for conduct which if committed by an adult  
20 would be a violation of this subsection shall be required  
21 to spend at least two days in an residential institution for  
22 the confinement of juvenile delinquents and to perform not  
23 less than 100 nor more than 1000 hours of community  
24 service.”.

1 **SEC. 5. ELIMINATION OF FIRE HAZARDS.**

2       The Forest Service in the Department of Agriculture,  
3 in consultation with local fire chiefs, and other fire and  
4 arson experts, shall prepare a study of whether there are  
5 any Federal legal impediments that prevent homeowners,  
6 local governments, and other interested parties from clear-  
7 ing highly flammable fire hazards, including brush weeds  
8 that may provide fuel for dangerous fires. The Forest  
9 Service shall report the results of such study to Congress  
10 not later than one year after the date of the enactment  
11 of this Act.

12 **SEC. 6. DEFENSE CONVERSION FOR STRENGTHENING PRI-**  
13 **VATE FIRE FIGHTING CAPABILITIES.**

14       Not later than one year after the date of the enact-  
15 ment of this Act, the Secretary of Defense, in consultation  
16 with the Federal Aviation Administration, shall report to  
17 Congress on—

18           (1) how more use could be made of excess mili-  
19 tary cargo, other planes available to the Forest Serv-  
20 ice, and private fire fighting contractors; and

21           (2) how to reform Federal aviation regulations  
22 to allow full effective use of such planes for fire  
23 fighting purposes.

1 **SEC. 7. INSURING FIRE FIGHTING WATER SUPPLY AND**  
2 **BACKUP POWER.**

3       The Forest Service in the Department of Agriculture,  
4 in consultation with local fire chiefs, and other fire and  
5 arson experts, shall prepare a study of the potential fea-  
6 sibility of building additional roads and backup power sup-  
7 plies for assuring water pressure and water availability in  
8 national forest areas to increase fire fighting effectiveness.  
9 The Forest Service shall report the results of such study  
10 to Congress not later than one year after the date of the  
11 enactment of this Act.

12 **SEC. 8. REVENUE OFFSET.**

13       Notwithstanding any other provision of law, the Sec-  
14 retary of Agriculture shall reduce by 5 percent the below-  
15 cost direct loans of the Farmers Home Administration for  
16 each of fiscal years 1994 through 1998.

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